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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Georg PRSKAWETZ et al.

Confirmation No. 8065

Group Art Unit: 1742

Serial No. : 10/075,398

Examiner: IP, Sikyin

Filed : February 15, 2002

For : METHOD FOR HEAT-TREATING PROFILED ROLLING STOCK

TERMINAL DISCLAIMER

Your petitioner, Voest-Alpine Schienen GmbH, a corporation of Austria, whose business address is Korpelystrasse, A-8704 Donawitz, Austria, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment re-recorded in the U.S. Patent and Trademark Office on February 2, 2001 at Reel 011492, Frame 0341 for grandgrandparent U.S. Application No. 08/320,408 filed October 3, 1994, now abandoned, of which the instant application is a divisional of a continuation (Serial No. 09/814,710, now U.S. Patent No. 6,419,762) of a continuation (Serial No. 09/570,455, now U.S. Patent No. 6,224,694) .

Your petitioner, Voest-Alpine Schienen GmbH, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,224,694 B1, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,224,694 B1, this agreement to run with any patent granted on the

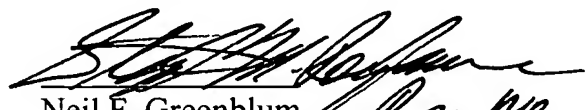
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above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,224,694 B1 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
For Voest-Alpine Schienen GmbH


Neil F. Greenblum
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Reg No 31,296

January 6, 2004